

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SQUAXIN ISLAND TRIBE, ISLAND
ENTERPRISES INC., SWINOMISH
INDIAN TRIBAL COMMUNITY, and
SWINOMISH DEVELOPMENT
AUTHORITY,

Plaintiffs,

v.

FRED STEPHENS, Director, Washington
State Department of Licensing,

Defendant.

No. C03-3951Z

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) The Court has reviewed Plaintiffs' Proposed Judgment and Permanent Injunction, docket no. 130, and Defendant's Response and Objections thereto, docket no. 131.

(2) The Court will enter a separate judgment and permanent injunction as it relates solely to the State of Washington's motor vehicle excise tax, RCW 82.36. The judgment will not refer to the special fuels tax, RCW 82.38.

(3) The parties are directed to file simultaneous briefs addressing the issues of whether Plaintiffs' Second Amended Complaint, docket no. 68, has stated any claim relating to the Washington State special fuels tax under RCW 82.38 and whether the legal incidence analysis in the Court's Order on Summary Judgment, docket no. 129, should extend to the special fuels tax. Opening briefs shall be no longer than 12 pages and filed no later than January 20, 2006. Response briefs shall be filed no later than February 3, 2006. The matter will be noted on the Court's motion calendar for February 3, 2006.

(4) The Court concludes that no additional briefing is necessary relating to the United States Supreme Court's recent decision in Wagon v. Prairie Band Potawatomi Nation, 126 S. Ct. 676 (2005).

1 (5) The Clerk is directed to send a copy of this Minute Order to all counsel of record.

2 Filed and entered this 30th day of December, 2005.

3
4 BRUCE RIFKIN, Clerk

5 s/ Casey Condon

6 By _____
7 Casey Condon
8 Deputy Clerk